

# MEMORANDUM

Agenda Item No. 8(E)(1)

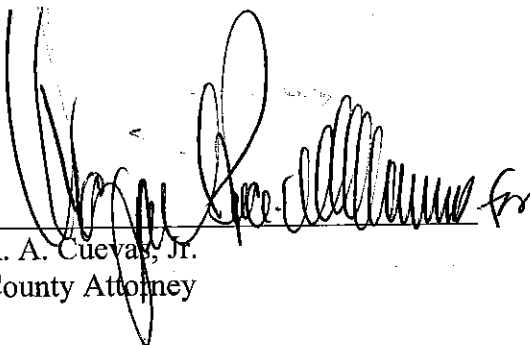
**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** May 5, 2015

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution authorizing the County Mayor to enter into agreements with federal and state agencies related to responses to chemical terrorism and other chemical emergencies that threaten the public health and safety where those agreements contain any information that is confidential or otherwise exempt from disclosure pursuant to Sections 381.95 or 395.1056 of the Florida Statutes, after consultation with and subject to approval as to form and legal sufficiency by the County Attorney's Office; and directing the County Mayor to provide an annual report

The accompanying resolution was prepared by Miami-Dade Fire and Rescue Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** May 5, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

**Subject:** Resolution Authorizing the County Mayor or County Mayor's Designee to Enter Into Agreements With Federal and State Agencies to Coordinate Responses to Chemical Terrorism and Other Emergencies that Threaten Public Health, Safety and Welfare

## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the County Mayor or County Mayor's Designee to enter into agreements with federal and state agencies to coordinate responses to chemical terrorism and other chemical emergencies that threaten the public health, safety and welfare of Miami-Dade County residents and visitors, where those agreements contain any information that is confidential or otherwise exempt from disclosure pursuant to sections 381.95 or 395.1056 of the Florida Statutes.

## **SCOPE**

The resulting Agreements will have a countywide impact.

## **DELEGATION OF AUTHORITY**

The County Mayor or County Mayor's designee would be delegated the authority to execute these Agreements after consultation with and subject to approval as to form and legal sufficiency by the County Attorney's Office. The County Mayor or the County Mayor's designee will provide an annual report to the Board indicating the number of agreements entered into under the authority granted by this resolution and the fiscal impact, if any, of such agreements, and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65. Currently it is expected that these agreements will have no fiscal impact.

## **FISCAL IMPACT/FUNDING SOURCE**

There is no fiscal impact with the Agreements.

## **TRACK RECORD/MONITOR**

Miami-Dade Fire Rescue's Office of Emergency Management Director, Curtis Sommerhoff, will monitor the Agreements.

## **BACKGROUND**

Miami-Dade County must be prepared to effectively respond to large scale emergencies and events. Typically these emergencies involve coordination with multiple outside agencies to ensure accurate information is available and resource allocations are carried out efficiently. These agreements are entered into for the sole purpose of effectively responding to chemical terrorism and other chemical emergencies that threaten the public health, safety and welfare of the County's residents and visitors. These agreements may contain information that is confidential or otherwise exempt from disclosure pursuant to sections 381.95 or 395.1056 of the Florida Statutes.

A handwritten signature in black ink, appearing to read "Russell Benford", written over a horizontal line.

Russell Benford  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** May 5, 2015

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 8(E)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(E)(1)  
5-5-15

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ENTER INTO AGREEMENTS WITH FEDERAL AND STATE AGENCIES RELATED TO RESPONSES TO CHEMICAL TERRORISM AND OTHER CHEMICAL EMERGENCIES THAT THREATEN THE PUBLIC HEALTH AND SAFETY WHERE THOSE AGREEMENTS CONTAIN ANY INFORMATION THAT IS CONFIDENTIAL OR OTHERWISE EXEMPT FROM DISCLOSURE PURSUANT TO SECTIONS 381.95 OR 395.1056 OF THE FLORIDA STATUTES, AFTER CONSULTATION WITH AND SUBJECT TO APPROVAL AS TO FORM AND LEGAL SUFFICIENCY BY THE COUNTY ATTORNEY'S OFFICE; AND DIRECTING THE COUNTY MAYOR OR COUNTY'S MAYOR DESIGNEE TO PROVIDE AN ANNUAL REPORT

**WHEREAS**, pursuant to Section 2.02(A) of the County Charter, the Mayor serves as the head of the County for emergency management purposes; and

**WHEREAS**, it is essential that the County is prepared to swiftly respond to emergency situations that threaten the public health, safety and welfare of the County's residents and visitors,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby authorizes the County Mayor or County Mayor's designee to enter into agreements with agencies and departments of the State of Florida and the federal government related to responses to chemical terrorism and other chemical emergencies that threaten the public health and safety, where those agreements contain any information that is confidential or otherwise exempt from disclosure pursuant to sections 381.95 or 395.1056 of the Florida Statutes, after consultation with and subject to approval for legal sufficiency by the County Attorney's Office. The County

Mayor or the County Mayor's designee shall provide an annual report to the Board indicating the number of the agreements entered into under the authority granted by this resolution and the fiscal impact, if any, of such agreements, and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

The foregoing resolution was offered by Commissioner  
who moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of May, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

DF

Daniel Frastai